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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,757	09/15/2003	Michael S. Williams	9362-3	1920

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MYERS BIGEL SIBLEY & SAJOVEC  
PO BOX 37428  
RALEIGH, NC 27627

EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED: 12/14/2010

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10662757	9/15/2003	WILLIAMS ET AL.	9362-3

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EXAMINER

JAMES LIN

ART UNIT PAPER

1715

20101206

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

## Commissioner for Patents

Newly submitted claims 105-130 filed 6/1/2010 are directed to an invention that is independent and/or distinct from the elected invention of Group I. See the restriction requirement filed 5/1/2006. Present claims 105-118 are directed to Group II, and claims 119-130 are directed to Group III.

"The general policy of the Office is not to permit the applicant to shift to claiming another invention after an election is once made and action given on the elected subject matter. Note that the applicant cannot, as a matter of right, file a request for continued examination (RCE) to obtain continued examination on the basis of claims that are independent and distinct from the claims previously claimed and examined (i.e., applicant cannot switch inventions by way of an RCE as a matter of right." See MPEP §19.

The amendment filed on 6/1/2010 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because the claims are patentably distinct from the previously submitted claims for the reasons stated in the restriction requirement.

Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD OF ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

/Jimmy Lin/  
Examiner, Art Unit 1715